

APPEAL NO. 040064  
FILED FEBRUARY 27, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 18, 2003, with the record closing on December 29, 2003. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) had disability from July 19 through July 22, 2003. The claimant appealed the determination that disability ended on July 22, 2003, arguing that the evidence supports disability beyond that time period. The claimant also alleges that "as a Hispanic [he] sometimes does not understand how the questions are worded." The respondent (carrier) responded, urging affirmance of the disability determination. The carrier points out in its response that an interpreter was present at the CCH.

DECISION

Affirmed.

The claimant had the burden to prove that he had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer noted that the evidence was not persuasive that the claimant's injury caused him to be unable to perform his regular job duties after the first four day light-duty period recommended by the doctor. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination that the claimant had disability from July 19 through July 22, 2003, is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We find no merit in the claimant's contention that the hearing officer did not listen to him and that he was unable to understand the proceedings. A review of the record reflects that an interpreter was available to the claimant at the CCH and that he did in fact perform translation of a portion of the proceedings when requested to do so by the claimant.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY, A SUBSIDIARY OF ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge